

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

LUCIANO JAIMES TAVIRA,	)	
	)	
Petitioner,	)	
	)	
v.	)	1:09-cr-40-1
	)	1:23-cv-444
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**ORDER**

On June 15, 2023, the United States Magistrate Judge's Recommendation ("Recommendation") was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 84, 85.) No objections were filed within the time limits prescribed by Section 636.


The court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.

**IT IS THEREFORE ORDERED** that the Magistrate Judge's Recommendation, (Doc. 84), is **ADOPTED. IT IS FURTHER ORDERED** that this action is treated as a Motion under § 2255, and is hereby **DISMISSED** for failure to obtain certification for this § 2255 application by filing a Motion for Authorization in the court of appeals as required by 28 U.S.C. §§ 2255 and 2244 and Fourth Circuit Local Rule 22(d).

The court further finds there is no substantial showing of the denial of a constitutional right affecting the conviction nor a debatable procedural ruling, therefore a certificate of appealability is not issued.

A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 23rd day of August, 2023.

  
United States District Judge